

BRIAN J. STRETCH (CSBN 163973)
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0568 MHP
)	
Plaintiff,)	
)	
v.)	PARTIES' JOINT REQUEST TO CONTINUE
)	SENTENCING DATE AND PROPOSED
MARK JACOBSON,)	ORDER
)	
Defendant.)	
)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas Carlucci, that, subject to the Court's approval, the sentencing hearing presently set for September 22, 2008, be continued and set for sentencing hearing on February 9, 2009, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a

1 protected computer, and traffic in a password allowing unauthorized access to a protected
2 computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the
3 Probation Office for a presentence report. The plea agreement also includes standard terms of
4 cooperation.

5 In light of continuing cooperation under the terms of the plea agreement, the parties
6 jointly request that the sentencing status hearing on September 22, 2008, be continued for a
7 sentencing hearing on February 9, 2009. Additional time is needed for the defendant to complete
8 his cooperation with the government. Specifically, charges have now been filed against two
9 additional individuals — David Nosal and Becky Christian. That case is numbered CR 08-0237
10 MHP. The case against the defendant Christian is set to proceed to trial on August 5, 2008, and
11 the defendant Jacobson is expected to testify in that trial. The defendant Nosal's trial has not yet
12 been scheduled. When the Nosal matter does proceed to trial, the defendant Jacobson is also
13 expected to testify in that matter. Because Mr. Jacobson will be required to testify in two trials,
14 his cooperation with the government's investigation is not yet complete.

15 For all of these reasons, the parties jointly request that this Court vacate the sentencing
16 hearing presently set for September 22, 2008, and set a sentencing hearing for February 9, 2009,
17 at 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report
18 be calculated using the new sentencing date.

19 SO STIPULATED.

20 Dated: July 15, 2008

BRIAN J. STRETCH
Acting United States Attorney

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23 /s/
KYLE F. WALDINGER
Assistant United States Attorney

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25 SO STIPULATED.

26 Dated: July 15, 2008

27 /s/
THOMAS CARLUCCI
Attorney for defendant Mark Jacobson

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing status hearing presently set for September 22, 2008, be continued to February 9, 2009, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 17th day July, 2008

